

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
GILBERT BARROSO and LISANDRA SILVA,
:

Plaintiff,
:

-v-
:

24-CV-6795 (AS)
:

YELLOW RIBBON TRUCKING, INC. and JEFFREY
RYAN HOPPE,
:

ORDER
:

Defendants.
:
X

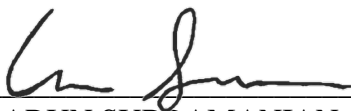
ARUN SUBRAMANIAN, United States District Judge:

Defendants Yellow Ribbon Trucking, Inc. and Jeffrey Ryan Hoppe filed a notice of removal, invoking the Court's subject matter jurisdiction on the ground of diversity of citizenship. *See* 28 U.S.C. § 1332. The notice of removal states that Yellow Ribbon Trucking, Inc. is a limited liability company.

It is well established that a limited liability company ("LLC") is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Altissima Ltd. v. One Niagara LLC*, No. 08-CV-756S(M), 2010 WL 3504798, at *2 (W.D.N.Y. Sept. 2, 2010) (noting that every other Court of Appeals to have considered LLC citizenship has held that an LLC has the citizenship of all of its members). Thus, a complaint premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs). *See Handelsman*, 213 F.3d at 51-52; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010).

Accordingly, it is hereby ORDERED that, on or before September 19, 2024, defendants should either inform the Court that the designation of Yellow Ribbon as a "limited liability company" was an error, or amend the notice of removal to allege the citizenship of each constituent person or entity comprising the LLC. If, by that date, defendants are unable to amend the notice of removal to truthfully allege complete diversity of citizenship, then the case will be remanded for lack of subject matter jurisdiction without further notice to either party. SO ORDERED.

Dated: September 12, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge